

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

AC2T, INC., *doing business as Spartan Mosquito*

PLAINTIFF

v.

CIVIL ACTION NO. 2:21-cv-93-TBM-RPM

**LIGHTS ON DISTRIBUTORS, LLC;
CCD WEBSTORE, LLC, *doing business
As Think Webstore*; CARTER CUSTOM
DESIGN, LLC; BRYAN CARTER;
JEREMY HIRSCH; MATTHEW JACKSON**

DEFENDANTS

ORDER

This matter came before the Court on AC2T, Inc. and Jeremy Hirsch's Motion to Dismiss [19]; Matthew Jackson's Motion to Dismiss [30], or in the alternative Motion to Strike Third Party Complaint; CCD Webstore, LLC, Bryan Carter, Carter Custom Design LLC, and Lights On Distributor's Motion to Dismiss [44]; and CCD Webstore, LLC, Bryan Carter, Carter Custom Design, LLC, and Lights On Distributors, LLC's Motion to Strike [46]. At the hearing conducted in this matter on September 8, 2022, the Court, having considered the pleadings, the record, the oral arguments of counsel, and the relevant legal authority, announced on the record its detailed findings and conclusions concerning each motion ruled upon.


IT IS THEREFORE, ORDERED AND ADJUDGED that, for the reasons stated on the record at the hearing held on September 8, 2022, AC2T, Inc. and Jeremy Hirsch's Motion to Dismiss [19] is DENIED.

IT IS FURTHER ORDERED that Matthew Jackson's Motion to Dismiss [30], or in the alternative Motion to Strike Third Party Complaint, is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that CCD Webstore, LLC, Bryan Carter, Carter Custom Design, LLC, and Lights On Distributors, LLC's Motion to Dismiss [44] is GRANTED IN PART and DENIED IN PART. For the reasons fully articulated on the record at the hearing held on September 8, 2022, AC2T's claims for breach of contract, conversion, money had and received, and misappropriation will proceed. AC2T's claims for fraud, negligent misrepresentation, concealment, intentional interference, negligence, and unjust enrichment are dismissed without prejudice.

IT IS FURTHER ORDERED that CCD Webstore, LLC, Bryan Carter, Carter Custom Design, LLC, and Lights On Distributors, LLC's Motion to Strike [46] is DENIED. The parties are ordered to meet and confer no later than September 22, 2022, to discuss the factual basis as to the affirmative defenses.

THIS, the 9th day of September, 2022.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE